

INTRODUCED: April 8, 2019

AN ORDINANCE No. 2019-

To authorize a Highland Grove Preliminary Community Unit Plan permitting the development of a residential community of up to 155 dwelling units on approximately 40 acres of land located at 2651 Richmond Henrico Turnpike, 2641 Richmond Henrico Turnpike, 500 Dove Street, 509 Dove Street, and 2300 1<sup>st</sup> Avenue, upon certain terms and conditions.

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Patron – Mayor Stoney (By Request)

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Approved as to form and legality  
by the City Attorney

PUBLIC HEARING:

AT 6 P.M.

WHEREAS, approximately 40 acres of land comprised of the parcels (i) known as 2651 Richmond Henrico Turnpike, 2641 Richmond Henrico Turnpike, and 500 Dove Street; identified as Tax Parcel Nos. N000-0650/018, N000-0650/020, and N000-0650/015, respectively, in the 2019 records of the City Assessor; and shown on a survey entitled “Boundary and Topographic Survey of 3 Parcels of Land Lying on the Eastern Line of Richmond Henrico Turnpike and on the Northern Line of Dove Street, City of Richmond, Virginia,” prepared by H&B Surveying and Mapping, LLC, dated September 18, 2013, and last revised January 9, 2014; (ii) known as 509 Dove Street, identified as Tax Parcel No. N000-0454/003 in the 2019 records of the City

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

Assessor, and shown on a survey entitled “Topographic and Boundary Survey of Two Parcels of Land on the Southeastern Corner of Dove Street & Richmond Henrico Turnpike Together with a Portion of Land Known as East Fork Cannon Branch, City of Richmond, Virginia,” prepared by H&B Surveying and Mapping, LLC, dated October 16, 2012, and last revised November 5, 2012; and (iii) known as 2300 1<sup>st</sup> Avenue, identified as Tax Parcel No. N000-0650/001 in the 2019 records of the City Assessor, and shown on a survey entitled “Boundary Survey of Overby-Sheppard Elementary School Parcel (Containing 11.088 Acres), City of Richmond, Virginia,” prepared by H&B Surveying and Mapping, LLC, dated September 4, 2018, and last revised September 13, 2018, all of which parcels together are hereinafter referred to as the “Property”; and

WHEREAS, the owner of the Property has submitted to the City Planning Commission a plan to develop a residential community of up to 155 dwelling units on the Property (the “Project”); and

WHEREAS, the City Planning Commission, after holding a public hearing on the proposed community unit plan, approved that plan as a Preliminary Community Unit Plan, based upon written findings of fact as set out in a resolution, which has been transmitted to the City Council as required by section 30-456.5 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, the City Council concurs in the findings of fact made by the City Planning Commission;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That pursuant to section 17.10(g) of the Charter of the City of Richmond (2018), as amended, and Chapter 30, Article IV, Division 30 of the Code of the City of Richmond (2015), as amended, the development and use of the Property, generally in accordance with a plan entitled “Highland Grove Redevelopment, Community Unit Plan – Preliminary Plan, Richmond, Virginia,” prepared by Urban Design Associates, and dated April, 2019, (the “Preliminary Plan”), a copy of which plan is attached to and made a part of this ordinance, is hereby approved and permitted as the Preliminary Community Unit Plan for the Property, subject to the following standards, terms, and conditions:

**I. DEVELOPMENT CONCEPT:**

A. The Preliminary Community Unit Plan for development of the Property is depicted on the Preliminary Plan. The Preliminary Plan generally depicts the locations of single-family detached dwelling lots, single-family attached dwelling lots, community common areas, public street and alley network, open space, and a public school campus. Because each component of the public school campus is subject to the location, character, and extent review requirements of section 17.07 of the Charter of the City of Richmond (2018), such components are not required to be shown on the Final Plan.

B. Where specific standards are set forth in this ordinance that exceed or modify standards for features shown on the Preliminary Plan, this ordinance shall prevail. Any tentative approval of a subdivision plat depicting the final lot layout for any single-family detached dwellings or single-family attached dwellings, community common areas, open space, and adjacent roads for one or more phases of the subdivision shall be deemed for purposes of this ordinance to be a Community Unit Plan Final Plan approval for such improvements. Any Community Unit Plan Final Plan with respect to the Property, including any tentative subdivision

plat for any portion of the Property, is referred to herein as a “Final Plan.” Any Final Plan submitted for approval shall include as much detail as necessary to show compliance with all development concepts and standards either shown on the Preliminary Plan or included in this ordinance.

**II. MAXIMUM RESIDENTIAL DENSITY:** Residential use of the Property shall be limited to a maximum of 155 dwelling units, developed as single-family attached dwellings and single-family detached dwellings generally as depicted on the Preliminary Plan, provided that the mix of single-family attached and single-family detached dwellings as depicted on the Preliminary Plan may change during development of the Project.

**III. PHASING:** Residential construction on the Property may be developed in phases.

**IV. DWELLING UNIT DEVELOPMENT STANDARDS:**

**A. GENERALLY:** The dwellings on the Property shall be configured, designed, and constructed generally in conformance with the Preliminary Plan and shall adhere to the following standards:

1. *Single-family detached dwellings.* Single-family detached dwellings shall be located on lots of not less than 3,200 square feet in area with a width of not less than 36 feet and a depth of not less than 90 feet. There shall be a front yard with a depth of not less than 15 feet and not greater than 25 feet. In the case of corner lots, the front yard will be required only on one street frontage substantially as shown on the Preliminary Plan. In all instances, there shall be side yards of not less than six feet in width, including, but not limited to, side yards on corner lots. There shall be a rear yard with a depth of not less than five feet. Lot coverage shall not exceed 60 percent of the area of the lot.

2. *Single-family attached dwellings.* Single-family attached dwellings shall be located on lots of not less than 1,100 square feet in area. Lot width shall be not less than 16 feet, and depth shall be not less than 70 feet. There shall be a front yard with a depth of not less than 15 feet and not greater than 25 feet. In the case of corner lots, the front yard will be required only on one street frontage substantially as shown on the Preliminary Plan. There shall be side yards of not less than six feet in width except where buildings are attached, including, but not limited to, corner lots. There shall be a rear yard with a depth of not less than five feet, except for accessory uses and structures. Lot coverage shall not exceed 80 percent of the area of the lot.

3. *Street Frontage.* Single-family lots may front on common courts when public alley access is available, as generally shown on the Preliminary Plan, and when the means of access to each lot is approved by the Director of Public Works, the Chief of Police, and the Chief of Fire and Emergency Services and when appropriate right-of-way, easements, agreements or covenants approved as to form by the City Attorney provide for permanent public access and continued maintenance.

**B. ACCESSORY USES:**

1. Accessory structures that are customarily incidental and clearly subordinate to the dwelling uses permitted by this ordinance and do not exceed 12 feet in height are permitted and may be located within a required rear yard or the portion of a required side yard situated within 30 feet of the rear lot line but shall not be located within two feet of a property line, except where such accessory structure is attached or used for parking.

2. Neither accessory buildings and structures that are customarily incidental and clearly subordinate to the single-family detached dwellings and single-family attached dwellings nor additions to the single-family detached dwellings and single-family attached dwellings shall be subject to Final Plan approval.

3. Garages shall be side or rear loaded where an alley is accessible. For garages not served by alleys, the front of a garage shall be set back at least 18 feet from the front façade of the dwelling unit.

C. BUILDING HEIGHT: No building or structure shall exceed three stories in height. Story height for the dwelling units shall be not less than 9.5 feet and not greater than 14 feet. Dwelling units shall not exceed a height of 35 feet.

D. EXTERIOR BUILDING MATERIALS: The exteriors of the single-family detached dwellings, the single-family attached dwellings, and the accessory structures shall be constructed with brick, stone, cementitious siding, wood, solid vinyl (with a minimum wall thickness of 0.044 inches), or an equivalent material as may be approved as part of the Final Plan. Secondary materials shall be restricted to three coat smooth finish stucco, wood siding, vinyl cladding, or aluminum cladding, and these materials may be used for exterior trim, windows, and soffits only. Roofing materials shall consist of architectural asphalt shingles or an equivalent material.

E. ELEVATIONS: The single-family detached dwellings and single-family attached dwellings shall be substantially compatible in architectural style with the elevations shown in the Preliminary Plan or an equivalent alternative architectural style and the overall development shall include a variety of exterior building materials as permitted pursuant to subsection (IV)(D),

all substantially consistent with design guidelines filed with the Director of Planning and Development Review prior to the issuance of the initial building permit.

F. **PORCHES:** All porches or stoops fronting on the street shall have a minimum depth of six feet. Porches or stoops, including, without limitation, covered porches, may encroach ten feet into a front yard and within one foot of the property line of a side yard.

G. **DOORS:** Each dwelling unit shall have a secondary egress door to the side yard or rear yard of the lot.

H. **HVAC.** All heating, ventilation, and air conditioning equipment serving individual lots shall be located or screened so as not to be visible from any public right-of-way.

I. **LANDSCAPING.** Any landscaping and hardscaping on a lot shall be generally consistent with the Preliminary Plan.

**V. PUBLIC IMPROVEMENTS:** The improvements as depicted on the Preliminary Plan shall be provided for the development phase within which the improvements are located. Equivalent alternatives may be approved as part of a Final Plan.

A. **STREETS:** All streets shall be dedicated public right-of-way and shall be configured substantially as shown on the Preliminary Plan, including, but not limited to, utilizing reduced road centerline radii, intersection spacing, and alternative street sections.

B. **ALLEYS:** Alleys shall be dedicated public right-of-way with a minimum of 18 feet in width and with pavement a minimum of 16 feet in width, substantially as shown on the Preliminary Plan, including, but not limited to, reduced alley centerline radii, intersection spacing, and alternative turnarounds.

C. SIDEWALKS: Sidewalks shall be provided on both sides of all new streets, except sidewalks shall only be provided on one side of new streets where a multipurpose trail is provided on the opposite side of such street, substantially as shown on the Preliminary Plan.

D. LIGHTING: New ornamental pedestrian street light fixtures as approved by the Department of Public Utilities shall be installed along all the streets within the right-of-way. New cobra head light fixtures shall not be permitted except within public alleys. Existing cobra head light fixtures may be maintained and replaced in kind as necessary to meet the lighting standards of the Director of Public Utilities.

E. STREET TREES: Deciduous shade trees planted approximately 40 feet apart for large trees or 25 feet apart for medium trees on center in a minimum four-foot-wide planting strip between the sidewalk or multiuse path and the curb within the right-of-way shall be required generally as shown on the Preliminary Plan where they do not conflict with the placement of utilities. The final location of street trees shall be subject to approval by the Department of Public Works.

F. UTILITIES: Except for transformers, pedestals, junction boxes, meters, backflow prevention devices and existing overhead utility lines, all new utility lines shall be installed underground. Meters and backflow prevention devices shall be located off the alleys to the rear of the lots to the maximum extent practicable, or may be screened.

G. COMPLETION OF IMPROVEMENTS IN EXISTING PUBLIC RIGHT-OF-WAY: All improvements required by this subsection (V) that will be located within the existing right-of-way shall be completed substantially as shown on the Preliminary Plan. These improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in

accordance with the requirements of the Director of Public Works and any applicable requirements of the Director of Public Utilities, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subdivision (G) provides, all improvements and work required by and meeting the requirements of this subsection (V). The final certificate of use and occupancy for the Project, or the applicable phase thereof, shall not be issued until all requirements of this subdivision (G) are fully satisfied.

**VI. MINIMUM OPEN SPACE:** Open space, as generally shown on the “Open Space Plan Diagram” plan sheets of the Preliminary Plan shall be provided and may include active and passive recreational components. The plans for the open space shall be submitted to and approved as part of each Final Plan for a portion or portions of the Project.

**VII. SCREENING:** Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of the Department of Public Works. Such facilities shall be located abutting the alley or screened so as not to be visible from adjacent properties and public streets.

**VIII. PARKING:** Parking shall be provided for each dwelling as follows:

A. There shall be a ratio of no fewer than one off-street parking space for each single-family detached dwelling and single-family attached dwelling, which parking space may be provided in an accessory structure.

B. No driveway intersecting a street which constitutes the principal street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot; provided, however, that lots located within the section identified as Block F on the Preliminary Plan may access the rear parking spaces with a driveway along the lot. For purposes of this subdivision (B), “principal street frontage” has the meaning set forth for that term in Chapter 30 of the Code of the City of Richmond (2015), as amended.

**IX. NORMAL ZONING:** Except as specifically provided otherwise by this ordinance, the zoning regulations prescribed by Chapter 30 of the Code of the City of Richmond (2015), as amended, for the district in which the Property is situated shall apply.

§ 2. The initial Final Plan application for the first phase of development of the Project must be submitted to the Department of Planning and Development Review within five years after the effective date of this ordinance. In the event the required application is not submitted to the Department of Planning and Development Review within five years after the effective date of this ordinance, this ordinance shall be null and void and of no further effect.

§ 3. Applications for building permits for the first phase of development must be submitted within five years of the date of City Planning Commission approval of the intial Final Plan. Plans submitted for building permit approval shall be substantially in conformance with the Final Plans approved by the City Planning Commission and modifications thereto made as allowed by section 1(IV)(E) of this ordinance. In the event the required submission is not made

within five years of the date of City Planning Commission approval of the initial Final Plan, this ordinance shall be null and void and of no further effect.

§ 4. This ordinance shall be in force and effect upon adoption.